

Agenda Item: 16-57 Request Approval to Engage Settlement Process for Union County Application for Interbasin Transfer Certificate and to Delegate the Appointment of a Mediation Officer

Explanation:

G.S. 143-215.22L(h) provides for a mediation process to resolve disputes arising involving the procedures in 143-215.22L. The EMC can commence the mediation process on its own motion or at the request of DEQ, the applicant, or any interested party. In this case, in the course of discussing a notification issue, DEQ concluded it would be useful to engage this process with the applicant and interested parties, including Montgomery County, with the hope that it could help to resolve some issues short of litigation. The mediation process has not previously been engaged, but the EMC has issued guidance for the conduct of the mediation. Staff requests that the EMC delegate to the Chairman or one of its members the authority to appoint a mediation officer to conduct the mediation. The Guidance sets a limit of 120 days, subject to extension upon request of the mediator. Pending the mediation, DEQ would postpone presentation of the proposed Certificate beyond the January meeting. DEQ will report back to the EMC as to the status and progress of the mediation at the EMC's January meeting.